

TOWN OF HILTON HEAD ISLAND  
**PLANNING & DEVELOPMENT STANDARDS COMMITTEE**  
**Regular Meeting**

Bill Ferguson, *Chairman*  
Drew Laughlin  
John Safay  
George Williams, *Alternate*

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**AGENDA**  
**Wednesday, April 28, 2010**  
**4:00pm – Benjamin M. Racusin Council Chambers**

**I. CALL TO ORDER**

**II. FREEDOM OF INFORMATION ACT COMPLIANCE**

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**III. APPROVAL OF MINUTES – March 24, 2010**

**IV. UNFINISHED BUSINESS**

None

**V. NEW BUSINESS**

**ZMA090005:** The Town of Hilton Head Island is proposing to amend the Official Zoning Map for a portion of the IL, Light Industrial zoning district by changing the zoning designation of several properties located along Beach City Road and Mathews Drive and further identified on Beaufort County Tax Map 4, Parcels 318, 319A, 319, 320, 317, 25, 336, 348, 347, 346, 345, 343, 344, and 359; Tax Map 5, a portion of Parcel 15; and Tax Map 8, Parcels 281, 280, 1A, 238, 1, 1B, 172, 171, 173, 174, 175, 176, 190, 121, 115 and 120. This portion of the IL district will be rezoned to OCIL, Office/Light Commercial/ Light Industrial Zoning District with different design standards and permitted uses than the IL district. *Presented by: Nicole Dixon*

**LMO General Amendments**

**Proposed 2010 General Amendments to the Land Management Ordinance**

**LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapters 4, 5 and 6 of the Land Management Ordinance (LMO) to revise the following articles and sections, including:

**Sections 16-4-1205, 16-4-New Section, 16-4-New Section, and 16-4-1405: 16-4-1205.**

This reduces the separation requirement between auto sales facilities and between auto sales facilities and residential uses. **16-4-New Section** This will allow vendors associated with a special event on a site of 50 acres or more, to occupy a recreational vehicle overnight. **16-4-1405.** This will allow vendors associated with open air sales to occupy a recreational vehicle overnight.

**Section 16-5-New Section:** 16-5-New Section. This will allow on-street parking for a public use. **Section 16-6-305:** 16-6-305. This will allow selective pruning and removal of non-native invasive vegetation in dune systems in order to provide more views to the beach. *Presented by: Nicole Dixon*

**Municipal Code Amendment**

The Town of Hilton Head Island is proposing to amend Title 8, Chapter 1 of the Municipal Code to revise Section 8-1-413, Destruction of Sea Oats or Other Dune Vegetation. This amendment goes along with the proposed general amendments to the LMO, Section 16-6-305, Dune Protection Standards, to allow the Administrator to have more flexibility with allowing tree removal, removal of non-native invasive vegetation and pruning to provide more view corridors to the beach.

**VI. ADJOURNMENT**

*Please note that a quorum of Planning Commission or of Town Council may result if a majority of their members attend this meeting.*

**TOWN OF HILTON HEAD ISLAND**  
**The Planning and Development Standards Committee**  
**Minutes of the Wednesday, March 24, 2010 Meeting**  
**4:00pm – Benjamin M. Racusin Council Chambers**

**DRAFT**

Committee Members Present: Chairman Bill Ferguson, Drew Laughlin, John Safay

Committee Members Absent: None

Council Members Present: Mayor Tom Peeples; Mayor Pro Tem Ken Heitzke;  
George Williams, *Alternate*

Planning Commissioners Present: All Planning Commissioners were present

Town Staff Present: Steve Riley, Town Manager  
Charles Cousins, Community Development Department Director  
Jill Foster, Community Development Depart. Deputy Director  
Randy Nicholson Comprehensive Planning Division Manager  
Marcy Benson, Senior Grants Administrator  
Shawn Colin, Senior Planner  
Trudie Johnson, Floodplains Administrator  
Kathleen Carlin, Administrative Assistant

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**I CALL TO ORDER**

**II FREEDOM OF INFORMATION ACT COMPLIANCE**

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**III APPROVAL OF MINUTES**

Chairman Ferguson requested that staff amend the February 24, 2010 meeting minutes to reflect that Mr. John Safay was in attendance at the meeting. The amended minutes were **approved** by a vote of 3-0-0.

**IV COMMITTEE BUSINESS**

None

**V NEW BUSINESS**

**Annual Resolution Proclaiming April Fair Housing Month**

Ms. Marcy Benson made the presentation on behalf of staff. The staff requested that the Planning and Development Standards Committee recommend to Town Council approval of the Annual Resolution Proclaiming April Fair Housing Month. At the completion of staff's presentation and brief discussion by the Committee, Chairman Ferguson requested public comments and none were received. Chairman Ferguson then requested that a motion be made.

Mr. Laughlin made a **motion** to forward the Annual Resolution Proclaiming April Fair Housing Month to Town Council with a recommendation of **approval** as presented by staff. Mr. Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

### **2010 Comprehensive Plan**

Chairman Ferguson stated for the record that the entire Planning Commission is present for today's review of the 2010 Comprehensive Plan. Chairman Ferguson welcomed the Planning Commission and requested that staff make their presentation.

Mr. Shawn Colin provided introductory comments on behalf of staff and then requested that Planning Commission Chairman Al Vadnais present opening comments on behalf of the Planning Commission.

Mr. Vadnais presented a brief review of the development process for creation of the 2010 Comprehensive Plan. State law requires that the Town's Comprehensive Plan be updated every five years and completely rewritten once every 10 years. The Comprehensive Plan Committee has worked diligently over the past two and one half years in fulfillment of the State's ten-year requirement.

The Comprehensive Plan Committee has contributed a great deal of time, effort, and talent in accomplishing this important mission. The 2010 Comprehensive Plan not only meets all State requirements, but it contains additional requirements for the Town of Hilton Head Island as well.

Mr. Vadnais expressed his appreciation to Comprehensive Plan Committee members, Chairman Tom Crews, Mrs. Loretta Warden, Mr. Terence Ennis and Ms. Therese Leary for their outstanding achievement. Mr. Vadnais stated his appreciation to the remaining Planning Commissioners for their input and active participation. Mr. Vadnais also stated his appreciation to staff members, Mr. Shawn Colin and Mr. Randy Nicholson for their valuable research and support to the Committee throughout the entire development process. At the completion of these remarks, Chairman Ferguson requested that Mr. Tom Crews, Chairman of the Comprehensive Plan Committee, make his presentation.

Mr. Crews began by expressing his appreciation to fellow Committee members, Mrs. Loretta Warden, Mr. Terry Ennis, and Ms. Terry Leary. The 2010 Comprehensive Plan is entitled, "Charting the Island's Future from Here to 2030". The Plan is intended to be a 20-year vision for the Town of Hilton Head Island.

Mr. Crews reported that the Comprehensive Plan Committee has added several additional elements to the Plan beyond those required by the State. Two of those elements, the Community Design Element and the Energy Element, are still in the formative stages. These elements will be added to the 2010 Comprehensive Plan at a later time.

Mr. Crews presented a visual overview of the development process including a discussion of the Inventory of Existing Conditions, the Statement of Needs and Goals, and the Implementation Strategies with Timeframes.

Mr. Crews stated that the Comprehensive Plan Committee had a new goal for development of the Plan that was different from the past. The Committee wanted a Plan that would be a "living document". The 2010 Comprehensive Plan is intended to be reviewed annually and updated over

time to ensure that the Plan remains pertinent. The 2010 Comprehensive Plan is compliant with all State requirements.

Mr. Crews stated that the Comprehensive Plan will be available on-line via an interactive process. The website will be updated as needed with input from various departments. Mr. Shawn Colin will present the features of the new website during the staff's presentation.

Mr. Crews reviewed the overall structure of the 2010 Comprehensive Plan. The Plan is intended to create a foundation of knowledge in the Community. The Plan is intended to "move up the pyramid". Its objective is to provide a useful governance tool that is both forward looking and relevant.

The 2010 Comprehensive Plan is knowledge-based and driven from the bottom up with education and Community input. The Plan strives to utilize the best practices via a business model approach. The Plan strives to identify themes to guide its development. It is intended to provide a commitment for annual updates and to provide easy access on-line.

Mr. Crews presented a brief analysis of each of Plan's elements. Mr. Crews also discussed the importance of Community involvement in developing the Plan. The Community's involvement included attendance at various neighborhood meetings. The Community contributed valuable information to the Plan including educational value and ease of use via on-line access.

Mr. Crews discussed several 'core themes' including the Island's redevelopment, the economic sustainability, and the visitor-based economy, the protection of the Island's brand image and the preservation of natural assets. The Town of Hilton Head Island is committed to the principal of "One Island – One Community".

Mr. Crews stated that the 2010 Comprehensive Plan is a Community product as opposed to being a consultant product. This important quality is reflected throughout the 2010 Comprehensive Plan.

The Planning & Development Standards Committee began by congratulating the Comprehensive Plan Committee on development of the 2010 Comprehensive Plan. The new Plan is a substantial improvement over the current Plan. The Committee complimented the new integration of chapters. This is an improvement over the current Plan's chapters which are too isolated and do not relate well with one another.

The Committee reviewed the implementation strategies with Mr. Crews. A major policy change is the promotion of sustainable development. The Committee discussed the maintenance and redevelopment of property. Chairman Ferguson stated that the record should show the Committee is concerned with the use of "mandate" vs. "a recommendation" as well as use of "will" vs. "may". These two items will be reviewed further prior to adoption of the Plan. The Committee discussed the Plan's vision and goals with Mr. Crews. The Committee reported that the high cost of beach re-nourishment is of concern. The Committee complimented the idea of an annual review of the Plan. Following this discussion, Chairman Ferguson requested that the staff make their presentation.

Mr. Shawn Colin made the presentation on behalf of staff. Mr. Colin presented a review of the new 2010 Comprehensive Plan website. The website is comprehensive and easy to navigate. The website is intended to "lead the user" wherever they wish to go. Input from the Community (regarding needed information and easy access) was very important in constructing the website.

The Planning & Development Standards Committee complimented the quality of the new website. Easy of use is an important feature and will be very beneficial to the Town's leadership and its citizens.

At the end of the staff's presentation and discussion by the Committee, Chairman Ferguson requested public comments. The following citizens presented statements for the record: Chester C. Williams, Esq., stated that a Comprehensive Plan is more of a guideline vs. mandatory. It does not have the force of law. Councilman Safay agreed that the Comprehensive Plan is more of a guide rather than mandatory with the force of law. Councilman Laughlin asked if it might be better to avoid language that sounds mandatory.

Councilman George Williams presented statements in support of these concerns. Chairman Ferguson recommended that staff and their attorney study the language that is perceived to be mandatory. Mr. Charles Cousins and the Committee discussed a couple of options. The Committee decided that the staff should review the document and replace mandatory language with guiding language. The Committee recommended that the words "will" and "shall" be replaced with "may". Following final comments, Chairman Ferguson requested that a motion be made.

Councilman Laughlin made a **motion** that the Planning & Development Standards Committee recommend that Town Council **adopt** the 2010 Comprehensive Plan and the Ordinance. In the interim the Commission will take a look at whatever wordsmithing needs to be done in regard to the issue of "mandatory" vs. "a recommendation" and "may" versus "shall". This is in response to the concerns discussed today. Mr. Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

## VI ADJOURNMENT

The meeting was adjourned at 5:15pm.

Submitted By:

Approved By:

\_\_\_\_\_  
Kathleen Carlin  
Administrative Assistant

\_\_\_\_\_  
Bill Ferguson  
Chairman



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

**TO:** Planning & Development Standards Committee  
**VIA:** Teri Lewis, *AICP, LMO Official*  
**FROM:** Nicole Dixon, *Planner*  
**CC:** Charles Cousins, *AICP, Director of Community Development*  
**CC:** Curtis Coltrane, *Assistant Town Manager-Community Services*  
**DATE:** April 6, 2010  
**SUBJECT:** Proposed Ordinance No. 2010-04  
ZMA090005 – OCIL (Office/Light Commercial/Light Industrial) Zoning District

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**Recommendation:** Staff recommends that the Planning and Development Standards Committee forward the attached application for Zoning Map Amendment (ZMA090005) for the proposed OCIL Zoning District to Town Council with a recommendation for approval.

The Planning Commission met on February 17, 2010 to review this application and after a public hearing voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

**Summary:** The purpose of the OCIL district is to provide a transition area between the more intense light industrial uses and the nearby residential uses of Palmetto Hall and Tabby Walk. The OCIL district allows for non-medical office and other retail service uses, while still allowing some low intensity light industrial uses. The new district will create opportunities, minimize some existing non-conforming land uses and encourage redevelopment for property owners in this corridor while providing balance among land use types.

**Background:** The OCIL Zoning District was established in the LMO (Land Management Ordinance) and approved by Town Council on November 3, 2009. Town Council's Policy Agenda for 2009 had Light Industrial District Zoning Review listed as a high priority and these amendments were drafted as a result of that review.

The area subject to the rezoning, as shown on the attached map, contains some aging buildings with an increasing amount of vacant space and empty units. There are also several uses in some of these buildings that are currently non-conforming. Over the years, the Town has received many requests from business and property owners in the area to allow for more uses in the IL district. The Town has also received many application requests from business owners to occupy space in some of these buildings but due to the requested uses not being permitted in the IL district, the Town had to deny the requests. When staff was tasked with creating the OCIL district in the LMO, these things were all taken into consideration when determining the uses that would be permitted.



## TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

### STAFF REPORT ZONING MAP AMENDMENT

Case #:	Name of Project:	Public Hearing Date:
<b>ZMA090005</b>	OCIL (Office/Light Commercial/Light Industrial) Zoning District	February 17, 2010

Parcel Data or Location:	Applicant/Agent
<u>Existing Zoning District:</u> IL (Light Industrial) <u>Proposed Zoning District:</u> OCIL (Office/Light Commercial/Light Industrial) <u>Applicable Overlay District(s):</u> Corridor Overlay Airport Hazard Overlay  <u>Parcels Affected:</u> Beaufort County Tax Map 4, Parcels 318, 319A, 319, 320, 317, 25, 336, 348, 347, 346, 345, 343, 344, and 359. Tax Map 5, a Portion of Parcel 15. Tax Map 8, Parcels 281, 280, 1A, 238, 1, 1B, 172, 171, 173, 174, 175, 176, 190, 121, 115 and 120.	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928

#### Application Summary:

The Town of Hilton Head Island is proposing to amend the Official Zoning Map for a portion of the IL, Light Industrial zoning district by changing the zoning designation of several properties located along Beach City Road and Mathews Drive and further identified on Beaufort County Tax Maps 4, 5 and 8. This portion of the IL district will be rezoned to OCIL, Office/Light Commercial/ Light Industrial Zoning District.

The following uses will no longer be permitted as a result of this rezoning application: Aviation/Surface Passenger Terminal, Major Utility, Telecommunications Facility, Water



Treatment Plant, Watercraft Sales, Rental or Service, Auto Sales, Towing Service, Truck or Trailer Rental, Aviation Services, Other Manufacturing and Production, Moving and Storage, and Waste Related Service.

The following uses will be permitted by right: Government Facilities, Religious Institutions, Minor Utility, Eating Establishment With Seating – High Turnover, Eating Establishment Without Seating, Real Estate Sales/Rental Office, Other Offices, Commercial Parking, Funeral Home, Furniture Store, Hardware, Paint, Glass, Wallpaper or Flooring Store, Health Club or Spa, Landscape Nursery, Auto Rental, Car Wash, Taxicab Service, Self-Service Storage, Warehousing and Wholesale Business.

The following uses will be permitted with conditions: Community Theater, Dance Studio, Convenience Store, Kennel - Boarding, Pet Store, Veterinary Hospital, Other Retail Sales or Service, Contractor's Office, Other Light Industrial Service, Limited Manufacturing, Contractor's Materials, and Wholesale Business with Accessory Retail Outlet; Auto Repair use will be permitted by special exception.

Changes in zoning district regulations are fully described in Chapter 4 of the LMO.

**Staff Recommendation:**

**Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.**

**Other Commission or Committee Recommendations:**

- On February 17, 2010 the Planning Commission held a public hearing to discuss the application and voted unanimously to find the application consistent with the Comprehensive Plan and carries out the purposes of the LMO.
- On April 28, 2010 the Planning and Development Standards Committee will hold a public meeting to discuss the application.

**Background:**

The OCIL (Office/Light Commercial/Light Industrial) Zoning District was established in the LMO (Land Management Ordinance) and approved by Town Council on November 3, 2009. Town Council's Policy Agenda for 2009 had Light Industrial District Zoning Review listed as a high priority and these amendments were drafted as a result of that review. As part of the LMO Amendment process, a neighborhood meeting was held with the property and business owners affected by the amendments to inform them of the Town's proposal and to entertain any questions or ideas the neighborhood may have had.

The area subject to the rezoning contains some aging buildings with an increasing amount of vacant space and empty units. There are also several uses in some of these buildings that are

currently non-conforming. Over the years, the Town has received many requests from business and property owners in the area to allow for more uses in the IL district. The Town has also received many application requests from business owners to occupy space in some of these buildings but due to the requested uses not being permitted in the IL district, the Town had to deny the requests. When staff was tasked with creating the OCIL district in the LMO, these things were all taken into consideration when determining the uses that would be permitted.

The purpose of the OCIL district is to provide a transition area between the more intense light industrial uses and the nearby residential uses of Palmetto Hall and Tabby Walk. The OCIL district allows for non-medical office and other retail service uses, while still allowing some low intensity light industrial uses. The new district will create opportunities, minimize some existing non-conforming land uses and encourage redevelopment for property owners in this corridor while providing balance among land use types.

#### **Summary of Facts and Conclusions of Law:**

##### **Findings of Facts:**

- Notice of the Application was published in the Island Packet on January 10, 2010 as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of Application was hand delivered to all properties within the district subject to the rezoning application on January 12, 2010.
- A public hearing will be held on February 17, 2010 as set forth in LMO 16-3-1504A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

##### **Conclusion of Law:**

- The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1504.

***As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, Planning Staff has based its recommendation on analysis of the following criteria:***

#### **Summary of Facts and Conclusions of Law:**

*Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):*

##### **Findings of Facts:**

- The adopted Comprehensive Plan addresses this application in the following areas:
  - Economic Development Element – Need 3 states “*As the real estate inventory ages, and the cost of development rises compared to competing areas, there is concern that the Town should provide more regulatory flexibility and incentives for redevelopment to prevent aging structures from*

*becoming neglected or abandoned, causing blight.”*

- Economic Development Element – Goal 3 under Need 3 is to *“Continue redevelopment efforts including an analysis of the Land Management Ordinance to identify actions that can be taken to encourage private investment and redevelopment.”*
- Economic Development Element – Goal 4A under Need 4 is to *“Seek to understand the needs and desires of the business community, and facilitate their needs to the extent practical.”*
- Land Use Element – Need 4 states *“Since much of the older development in the Town is beginning to deteriorate, and is not in conformance with the existing LMO standards, the Town needs to address and promote flexibility in standards for redevelopment.”*
- Land Use Element – Goal 4C under Need 4 is that *“Town ordinances should ensure that redevelopment is encouraged by establishing flexible provisions in the Town’s LMO...”*

#### **Conclusions of Law:**

- Staff concludes that this application is consistent with the adopted Comprehensive Plan as described in the Economic Development and Land Use Elements, as set forth in LMO Section 16-3-1505A.
- The purpose of the OCIL district is to create opportunities, minimize some existing non-conforming land uses and encourage redevelopment for property owners in this corridor while providing balance among land use types, all of which is described in the above elements of the Comprehensive Plan.
- There are several vacancies within some of the buildings in the proposed district due to the limited uses currently permitted. The OCIL district was created to address the goals in the Comprehensive Plan, which was to provide more uses for a property or business owner to choose from when trying to redevelop or occupy existing space.
- Over the years, the Town has received many requests from business and property owners in the area to allow for more uses in the IL district. The Town has also received many application requests over the years from business owners to occupy space in some of these buildings but due to the requested uses not being permitted in the IL district, the Town had to deny the requests. When staff was tasked with creating the OCIL district in the LMO, these things were all taken into consideration when determining the uses that would be permitted to address the needs of the business and property owners.

#### **Summary of Facts and Conclusions of Law:**

*Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):*

#### **Findings of Facts:**

The LMO addresses this application in the following areas:

- LMO Section 16-4-218 describes the purpose of the existing IL zoning district as: *“to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This District also provides for certain instructional and theatrical uses with similar space requirements.”*
- The area subject to the rezoning was developed prior to the incorporation of the

Town of Hilton Head Island and the adoption of the LMO. There are existing uses on several properties that are not permitted, and therefore those uses are considered legally non-conforming.

- The existing IL zoning district allows for light industrial uses.

**Conclusion of Law:**

- Staff concludes that the properties subject to the rezoning application are not compatible with the present zoning, the conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505B because several properties contain uses that are not currently permitted in the IL district and because industrial uses, which can be a nuisance due to noise, odor and outdoor storage of materials, are not compatible with the adjacent residential uses.

**Summary of Facts and Conclusions of Law:**

*Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):*

**Findings of Facts:**

The LMO addresses this application in the following areas:

- The purpose statement in Chapter 4 for the OCIL district is “*to provide a transition area between the more intense light industrial uses and the residential uses. The OCIL district will allow for non-medical office and other retail service uses, while still allowing some low intensity light industrial uses. This will create opportunities, minimize some existing non-conforming land uses and encourage redevelopment for property owners in this corridor while providing balance among land use types.*”
- Due to the uses permitted in the new zoning district, many of the existing non-conforming uses will now be considered conforming.
- The uses that will be permitted in the new zoning district are less intense than those permitted in the existing IL district and therefore will allow for a transition to the residential use.

**Conclusion of Law:**

- Staff concludes that the affected properties are suitable for the proposed uses as set forth in LMO Section 16-3-1505C. Most of the proposed uses are currently in existence and the uses that are currently legally nonconforming will become conforming as a result of this rezoning.

**Summary of Facts and Conclusions of Law:**

*Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):*

**Findings of Facts:**

<p>The LMO addresses this application in the following areas:</p> <ul style="list-style-type: none"> <li>○ LMO Section 16-4-218 describes the purpose of the existing IL zoning district as: <i>“to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This District also provides for certain instructional and theatrical uses with similar space requirements.”</i></li> <li>○ The area subject to the rezoning was developed prior to the incorporation of the Town of Hilton Head Island and the adoption of the LMO. Most of the proposed uses are currently in existence and the uses that are currently legally nonconforming will become conforming as a result of this rezoning.</li> <li>○ The existing IL zoning district allows for some intense industrial type uses and does not allow for a transition to the residential use located across Mathews Drive and Beach City Road.</li> <li>○ Several property owners within this area have informed staff that they have vacant space within some of their buildings due to the limited uses currently permitted.</li> </ul> <p><b>Conclusion of Law:</b></p> <ul style="list-style-type: none"> <li>○ Staff concludes that the affected properties are not suitable for the uses permitted by the IL zoning district as set forth in LMO Section 16-3-1505D because several properties contain uses that are not currently permitted in the IL district and because industrial uses, which can be a nuisance due to noise, odor and outdoor storage of materials, are not compatible with the adjacent residential uses.</li> </ul>
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<p><b>Summary of Facts and Conclusions of Law:</b></p> <p><i>Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):</i></p> <p><b>Findings of Facts:</b></p> <ul style="list-style-type: none"> <li>○ As a result of the rezoning application, many non-conforming uses will become conforming.</li> <li>○ There will be more uses available to provide property and business owners the opportunity to redevelop and occupy currently vacant space.</li> </ul> <p><b>Conclusion of Law:</b></p> <ul style="list-style-type: none"> <li>○ Staff concludes that the marketability of the properties and its existing uses will be improved as set forth in LMO Section 16-3-1505E because the property and business owners will have more available uses to choose from when trying to redevelop or occupy existing space, therefore making the properties more valuable.</li> </ul>
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<p><b>Summary of Facts and Conclusions of Law:</b></p> <p><i>Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):</i></p>
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**Findings of Facts:**

- Most of the affected properties have available water and sewer service presently provided by the PSD-1. There are a few properties that are still functioning on septic systems and will be able to hook up to sewer when it becomes available.
- The subject properties have adequate stormwater facilities suitable and adequate for the proposed uses. Several of the properties are located within the Palmetto Headlands Commercial POA, which has an approved stormwater plan.

**Conclusion of Law:**

- Staff concludes that these properties either have or will have in the future available sewer, water and stormwater facilities suitable and adequate for the proposed uses as set forth in LMO Section 16-3-1505F.

**LMO Official Determination**

**Determination:** Staff determines that this application is compatible with the Comprehensive Plan and serves to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

**Note:** If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

**PREPARED BY:**

\_\_\_\_\_  
Nicole Dixon  
*Planner*

\_\_\_\_\_  
DATE

**REVIEWED BY:**

\_\_\_\_\_  
Teri B. Lewis, AICP  
*LMO Official*

\_\_\_\_\_  
DATE

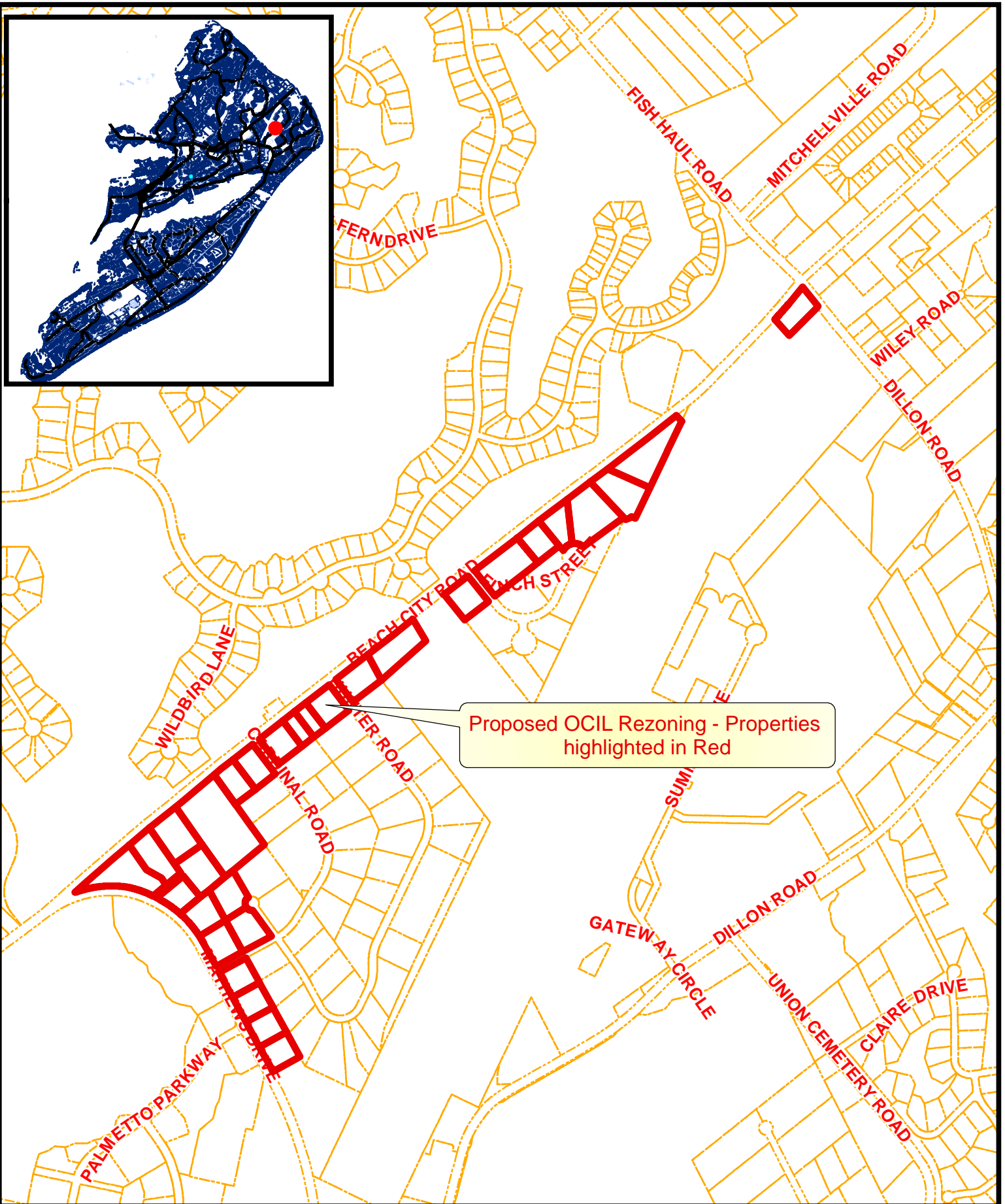
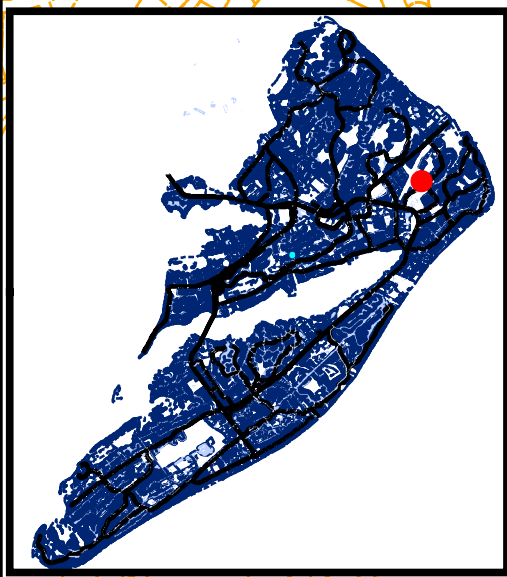
**REVIEWED BY:**

\_\_\_\_\_  
Jayme Lopko, AICP  
*Planning Commission Board Coordinator*

\_\_\_\_\_  
DATE

**ATTACHMENTS:**

A) Vicinity Map



TOWN OF HILTON HEAD ISLAND  
ONE TOWN CENTER COURT  
HILTON HEAD ISLAND, S.C. 29928  
PHONE (843) 341-6000

Town of Hilton Head Island  
OCIL Zoning District - ATTACHMENT A  
Vicinity Map



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2010-**

**PROPOSED ORDINANCE NO. 2010-04**

**AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP WITH RESPECT TO THOSE CERTAIN PARCELS IDENTIFIED AS PARCELS 318, 319A, 319, 320, 317, 25, 336, 348, 347, 346, 345, 343, 344, AND 359 ON BEAUFORT COUNTY TAX MAP 4, A PORTION OF PARCEL 15 ON BEAUFORT COUNTY TAX MAP 5, AND PARCELS 281, 280, 1A, 238, 1, 1B, 172, 171, 173, 174, 175, 176, 190, 121, 115 AND 120 ON BEAUFORT COUNTY TAX MAP 8, FROM IL (LIGHT INDUSTRIAL) TO THE OCIL (OFFICE/LIGHT COMMERCIAL/LIGHT INDUSTRIAL) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance ("LMO"); and

**WHEREAS**, on November 3, 2009, the Town Council adopted amendments which established the OCIL Zoning District in the LMO; and

**WHEREAS**, the Planning Commission held a public hearing on said zoning map amendment application on February 17, 2010, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

**WHEREAS**, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO; and

**WHEREAS**, the Planning and Development Standards Committee held a public meeting on April 28, 2010 to review said zoning map amendment application, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

**WHEREAS**, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, *<MOTION>*; and

**WHEREAS**, after due consideration of said zoning map amendment application and the recommendations of the Planning Commission and the Planning and Development Standards Committee, the Town Council, upon further review, now finds that the requested zoning map amendment DOES/DOES NOT meet the criteria set forth in Section 16-3-1505 of the LMO; the uses permitted within the OCIL Zoning District ARE/ARE NOT compatible with surrounding



land uses and neighborhood character, ARE/ARE NOT detrimental to the public health, safety and welfare, and, further, ARE/ARE NOT in conformance with the Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**Section 1. Amendment.** That the Official Zoning Map of the Town of Hilton Head Island, as referred to in Section 16-4-102 of the LMO, be hereby amended to modify the zoning designation of those certain parcels identified as parcels 318, 319A, 319, 320, 317, 25, 336, 348, 347, 346, 345, 343, 344, and 359 on Beaufort County Tax Map 4, a portion of parcel 15 on Beaufort County Tax Map 5, and parcels 281, 280, 1A, 238, 1, 1B, 172, 171, 173, 174, 175, 176, 190, 121, 115 and 120 on Beaufort County Tax Map 8, from IL to the OCIL Zoning District. The attached Vicinity Map shows the location of the subject property.

**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

\_\_\_\_\_  
**Thomas D. Peeples, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy Mosteller, Town Clerk**

**Public Hearing:** February 17, 2010

**First Reading:**

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_



# TOWN OF HILTON HEAD ISLAND

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## *Community Development Department*

**TO:** Planning & Development Standards Committee  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**CC:** Curtis Coltrane, *Assistant Town Manager*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Nicole Dixon, *Planner*  
**DATE:** April 12, 2010  
**SUBJECT:** Proposed Ordinance No. 2010-11  
2010 General Land Management Ordinance (LMO) Amendments

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**Recommendation:** Staff recommends that the Planning and Development Standards Committee forward the attached amendments to Town Council with a recommendation of approval. The Planning Commission voted to recommend approval of the proposed 2010 General LMO Amendments as presented by staff at the April 7th, 2010 public hearing.

**Summary:** The LMO Committee reviewed the proposed amendments at the March 3rd, 2010 meeting. In an effort to keep the review of the proposed amendments simple, the LMO Committee decided to make a motion and vote on each section individually. The motions were as follows:

- A motion was made to recommend that changes to Section 16-4-1205, Auto Sales, be returned back to staff with a request for additional information as to the rationale behind making the changes.
- A second motion was made to forward Section 16-4-1405, Open Air Sales and new Section 16-4-XX, Special Events, to the full Planning Commission with a recommendation of approval.
- A third motion was made to forward new Section 16-5-12XX, On-Street Parking, to the full Planning Commission with a recommendation of approval.
- A fourth motion was made to forward Section 16-6-305, Dune Protection Standards, to the full Planning Commission with the LMO Committee's recommended changes, which were to delete the last two sentences of the proposed language.

The Planning Commission held a public hearing for the proposed amendments on April 7th, 2010. The Planning Commission also decided to keep the review of the proposed amendments simple and made separate motions for each LMO section. The motions were as follows:

- A motion was made to recommend approval of the proposed amendments related to Section 16-4-1205 (Auto Sales) to Town Council as presented by staff. The motion passed with a vote of 6-2-0. Commissioners Warden and White were opposed to the change in distance separation from 1500 to 500 feet because it was too drastic of a change and suggested that it be 750 feet.
- A second motion was made to recommend approval of Sections 16-4-14XX (Special Events) and 16-4-1405, which passed with a vote of 8-0-0.
- A third motion was made to recommend approval of Section 16-5-12XX (On-Street parking), which passed with a vote of 8-0-0.
- A fourth motion was made to recommend approval of Section 16-6-305 (Dune Protection Standards), as presented and recommended by staff, which passed with a vote of 8-0-0.

**Background:** Staff reviews the LMO Amendments on an annual basis. During the year staff maintains a list of items that should be researched for further review and consideration for revision. The attached document is the proposed set of 2010 General LMO Amendments, which include changes to Chapters 4, 5 and 6. The proposed changes are indicated with new text by a double underline and deleted text by ~~strike through~~.

**Staff Explanation:** *In order to be more flexible for redevelopment and development opportunities, and to be more business friendly so that auto sales uses don't have to locate off island, staff recommends reducing the separation requirement between auto sales facilities and between auto sales facilities and residential uses from 1,500 feet to 500 feet. Staff is recommending a 500 foot separation between auto sales facilities because the separation requirements between other like uses – liquor stores, nightclubs and bars, tattoo facilities – is already established as 500 feet. After doing research, staff has determined there are no parcels within the Town that would allow an auto sales use using the existing 1500 foot separation requirement, along with the other standards that are currently provided in the LMO for auto sales use. If the separation is reduced to 500 feet, there would be 75 parcels that would allow the location of an auto sales use. In an effort to be consistent with other sections in the LMO, staff is also proposing to add language stating how the distance shall be measured.*

**Sec. 16-4-1205. Auto Sales**

Auto sales are permitted subject to the following standards.

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503.
- C. The site is not located within ~~1,500~~ 500 feet of an existing residential use.
- D. The site is not located within ~~1,500~~ 500 feet of an existing auto sales site.
- E. These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed facility.

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**Staff Explanation:** *In order to accommodate the needs of some vendors who wish to stay overnight for certain special events or open air sales, staff is proposing the following language.*

**Sec. 16-4-14XX (New Section). Special Events**

Vendors associated with a Special Event approved by the Town, where the event will occur on a site of 50 acres or more, may occupy a recreational vehicle overnight subject to approval by the Administrator.

**Sec. 16-4-1405. Open Air Sales**

Temporary open air sales of Christmas trees and pumpkins are permitted in certain districts according to the Use Table (Sec. 16-4-1104), provided that the sales activity does not last

longer than 30 days and all other applicable codes, including sanitation and electrical codes, are met. The vendor, subject to approval by the Administrator, may utilize a recreational vehicle for living on the property for the duration of the permit.

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**Staff Explanation:** *In order to assist with redevelopment efforts, staff proposes to allow the Town to install public parking for public use. This would not be allowed to satisfy any off-street parking requirements for private development, however, would be used as a tool to encourage redevelopment in certain areas.*

#### **Sec. 16-5-12XX (New Section). On-Street Parking**

The Town of Hilton Head Island may install public parking on non-arterial streets where deemed appropriate.

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**Staff Explanation:** *In order for the Administrator to have more flexibility with allowing tree removal, removal of non-native vegetation and providing more views to the beach, as requested by Town Council, staff is proposing the language below. There is similar language already in the LMO that allows for some pruning of vegetation for views of wetlands.*

#### **Sec. 16-6-305. Dune Protection Standards**

A. For purposes of protecting, stabilizing and restoring dunes and dune systems on Hilton Head Island, the following standards shall apply:

1. no change.
2. No dune shall be leveled, breached, altered or undermined in any way by development or other human-caused activity such as boat storage, nor shall dune vegetation be disturbed or destroyed, with the exception of construction of boardwalks or similar beach access which have minimal effect on the natural features of the dune. If removal or disturbance of dune vegetation cannot be avoided, replacement vegetation shall be planted. For purposes of providing views to the beach in areas where the view has been materially impaired, the Administrator may approve selective pruning, in accordance with accepted International Society of Arboriculture practices. The Administrator may allow removal of non-native invasive vegetation in the dune systems, including but not limited to, Chinese Tallow or Beach Vitex. In addition, the Administrator may approve the removal of trees below 6 inches in diameter, with the exception of Live Oaks, or grant a tree removal permit for trees of protected size if determined by the Administrator it is needed to create a view corridor. All trees removed must be cut flush with existing grade and leave the root system intact.

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**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.:**

**PROPOSED ORDINANCE NO.: 2010-11**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, CHAPTERS 4, 5 AND 6 TO REVISE VARIOUS ARTICLES AND SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS 2010 GENERAL LMO AMENDMENTS AS NOTICED IN THE ISLAND PACKET ON FEBRUARY 28, 2010, INCLUDE CHANGES THAT PROVIDE FOR AMENDMENTS TO: AUTO SALES, SPECIAL EVENTS, OPEN AIR SALES, ON-STREET PARKING AND DUNE PROTECTION STANDARDS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (LMO); and

**WHEREAS**, the Town Council now intends to amend Chapters 4, 5 and 6 to provide for general amendments to: Auto Sales, Special Events, Open Air Sales, On-Street Parking and Dune Protection Standards; and

**WHEREAS**, the Town Council intends to be more flexible for development and redevelopment opportunities; and

**WHEREAS**, the Town Council intends to amend the Dune Protection Standards in an effort to provide the Administrator with more flexibility with allowing tree removal, removal of non-native vegetation and providing more views to the beach; and

**WHEREAS**, the Planning Commission held a public hearing on April 7, 2010 and voted to recommend that Town Council approve the amendments; and

**WHEREAS**, the Planning and Development Standards Committee met on April 28, 2010 and voted to recommend that Town Council *<MOTION>* the amendments; and

**WHEREAS**, Town Council now finds that, upon further review, it is in the public interest to *<MOTION>* the attached revisions to Chapters 4, 5 and 6 of the Land Management Ordinance.

**NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:**

**Section 1. Amendment.** That the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

**NOTE:** New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

**Section 2. Severability.** If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.**

\_\_\_\_\_  
**Thomas D. Peeples, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy Mosteller, Town Clerk**

**Public Hearing:** April 7, 2010

**First Reading:**

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** Planning & Development Standards Committee  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**CC:** Curtis Coltrane, *Assistant Town Manager*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Nicole Dixon, *Planner*  
**DATE:** April 12, 2010  
**SUBJECT:** Proposed Ordinance No. 2010-12 - Dune Vegetation Removal Municipal Code Amendment

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**Recommendation:** Staff recommends that the Planning and Development Standards Committee forward the attached municipal code amendment to Town Council with a recommendation of approval.

**Summary:** The Planning Commission held a public hearing for proposed LMO amendments on April 7th, 2010. Those amendments include changes to LMO Section 16-6-305, Dune Protection Standards, which if approved, requires revisions to Municipal Code Section 8-1-413, Destruction of Sea Oats or Other Dune Vegetation.

**Background:** Town Council directed staff to draft language in the LMO that would allow the Administrator to have more flexibility with allowing tree removal, removal of non-native invasive vegetation and pruning to provide more view corridors to the beach. The changes in the LMO create the need for revisions to the Municipal Code. The proposed changes are indicated with new text by a double underline and deleted text by ~~strike through~~.

## Proposed Municipal Code Amendment

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**Staff Explanation:** *In order for the Administrator to have more flexibility with allowing tree removal, removal of non-native vegetation and providing more views to the beach, as requested by Town Council, staff is proposing the language below.*

### **Sec. 8-1-413. Destruction of sea oats or other dune vegetation.**

It shall be unlawful for any person to alter, remove, destroy or otherwise engage in any activity which results in damage or destruction of ~~remove or otherwise destroy~~ sea oats or any other vegetative matter growing out of the sand dunes with the exception of permitted elevated dune walkovers or pruning of dune vegetation when authorized by the Town, in accordance with accepted International Society of Arboriculture practices, and Land Management Ordinance (LMO) Sections 16-3-402(A)(4), 16-5-806(C) and 16-6-305(A). The LMO Administrator may allow removal of non-native invasive vegetation in the dune systems, including but not limited to, Chinese Tallow or Beach Vitex. For purposes of providing views to the beach in areas where the view has been materially impaired, the LMO Administrator may approve the removal of Pine trees below 6 inches in diameter by cutting flush with existing grade and leaving the root system in tact.



**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.:**

**PROPOSED ORDINANCE NO.: 2010-12**

**AN ORDINANCE TO AMEND TITLE 8 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, CHAPTER 1 TO REVISE SECTION 413. THIS AMENDMENT INCLUDES CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO DESTRUCTION OF SEA OATS OR OTHER DUNE VEGETATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, in 1983, the Town Council of the Town of Hilton Head Island, South Carolina adopted the Municipal Code of the Town of Hilton Head Island; and

**WHEREAS**, the Town Council now intends to amend Title 8, Chapter 1, Section 413 to provide for a general amendment to Destruction of Sea Oats or Other Dune Vegetation; and

**WHEREAS**, the Town Council adopted amendments to the Dune Protection Standards as part of the 2010 General Land Management Ordinance (LMO) Amendments on June 1, 2010 and now the revised language needs to be reflected in the Destruction of Sea Oats or Other Dune Vegetation Section of the Municipal Code as well; and

**WHEREAS**, the Town Council adopted the amendments in an effort to provide the Administrator with more flexibility with allowing tree removal, removal of non-native vegetation and providing more views to the beach; and

**WHEREAS**, the Planning and Development Standards Committee met on April 28, 2010 and voted to recommend that Town Council *<MOTION>* the proposed amendment; and

**WHEREAS**, Town Council now finds that, upon further review, it is in the public interest to *<MOTION>* Title 8, Chapter 1, Section 413 of the Municipal Code.

**NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:**

**Section 1. Amendment.** That the Municipal Code of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

**NOTE:** New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

**Section 2. Severability.** If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.**

\_\_\_\_\_  
**Thomas D. Peeples, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy Mosteller, Town Clerk**

**First Reading:**

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member: \_\_\_\_\_**